

DETAILED ACTION

Status of Application

Claims 1, 3-4, 6-7, 9-13 and 15-16 are pending and presented for examination. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2 November 2009 has been entered.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 6-13 & claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 0220471 – Provided in IDS).

Regarding claims 1, 2, 3, 6, 11-13 & 15 'Velzel' discloses a method for improving the crushing strength, impact resistance, and the compressibility of urea granules (page 1, lines 1-4). This methodology requires the addition of a molten urea made up of polyvinyl compounds along with an organic molecule made up of polyvinyl compounds (page 2, line 34) and an organic molecule consisting of 1-10 carbon atoms (carboxylic acid, hydroxyl, or amide groups – page 3, lines 29-31 or those mentioned in table 5) and 2-5 polar organic groups (water -- page 2, line 17). The aqueous solution of the urea additive has a minimal concentration between 100 and 10000 ppm by urea weight (0.01

to 1 wt % by urea (page 4, lines 14-16 & page 9, lines 8-9 (optimum dose of additive))); though at max up to 10 wt % may be used (page 5, lines 23-29)) according to Velzel (page 4 lines 13-15; Also see table 5).

Also, claim 1 of Velzel discloses broadly the stipulations outlined in claim 1, the difference between that up to 10 weight percent of the additive is added which overlaps that range instantly claimed and accordingly a *prima facie* case of obviousness exists (See MPEP 2144.05).

Regarding claim 4, given the broad disclosure of claim 1, the genus of the pentaerythritol is taught.

Regarding claim 7, Velzel discloses a general formula $(CHX-CHY)_n$ (page 2, line 35) where n is between 4 and 10,000 and X and Y are independent of one another and are selected from the group consisting of hydrogen atom, or a polar organic group, in such a way that the admixed amount of water is at most 5 weight % based on the amount of urea (page 2 line 36 bridging page 3 line 3).

Regarding claim 8, Velzel further states that a carboxylic acid group, ester group, hydroxyl group, an amine group, or an amide group can be the X and Y used in instant claim 7 (page 3, lines 21-25).

Regarding claims 9 and 10, Velzel discloses that X is substantially a hydrogen atom (page 3, line 25) and Y is substantially a hydroxyl group (page 3, line 25, 29 and 34). 70% to 95% of Y consists of a hydroxyl group (page 3, lines 30-35).

Regarding claim 16, this claim is met by the *supra* rationale as Velzel discloses the products from these (see examples and claims 16-17).

Response to Arguments

Applicant's arguments filed 2 November 2009 have been fully considered but they are not persuasive. Applicant's argument that Velzel does not anticipate the instant claims is persuasive, however a proper obviousness rejection still exists. Even taking the carboxylate salt exemplified, this is not patentably distinct from a carboxy acid since it is placed in water.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard M. Rump whose telephone number is (571) 270-5848. The examiner can normally be reached Monday through Friday 7:00 AM-4:30 PM (-5 GMT).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached at (571)272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/R. M. R./
Examiner, Art Unit 1793

/Stuart Hendrickson/
Primary Examiner, Art Unit 1793